

## REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claim 10 has been cancelled, while claims 1 and 13 have been amended to include the limitations of cancelled claim 10. In addition, the claims have been amended for clarity.

The Examiner has rejected claim 13 under 35 U.S.C. 101 in that the claimed invention is directed to non-statutory subject matter. Claim 13 has been amended such that each step is tied to an apparatus for performing the step. As such, Applicants believe that claim 13 is now statutory.

The Examiner has rejected claims 1-10, 13 and 15 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0014690 to Frimout.

Claim 1 (as well as claim 13) claims:

"An apparatus for recording comprising:

means for receiving a source signal having associated first play-time information in the form of a continuous timeline running for the duration of an associated program in the source signal;

means for generating a recording signal from the source signal, the recording signal comprising at least a portion of the source signal including a recording discontinuity with respect to the source signal;

means for generating second time information in the form of a non-continuous timeline having a time discontinuity

corresponding to the recording discontinuity for the recording signal in response to the first play-time information and the recording discontinuity; and

storage means for storing the recording signal together with the second time information."

The Frimout publication discloses a power failure recovery mechanism for a recording and reproducing device, in which recovery data is written to an optical recording medium in case recovery is required due, e.g., to a power failure.

As noted in MPEP §2131, it is well founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

As noted above, claim 1 includes "means for receiving a source signal having associated first play-time information in the form of a continuous timeline running for the duration of an associated program in the source signal". The Examiner has indicated that Frimout discloses this at "paragraph 0023: The volatile memory 14 is connected to an I/O interface 15 for inputting and outputting recording data and reproduced data, respectively".

Applicants submit that while Frimout discloses the volatile memory receiving and storing data which is to be recorded on the optical disc, there is no disclosure or suggestion that this data to be recorded is "a source signal having associated first play-time information in the form of a continuous timeline running for the duration of an associated program in the source signal" as specifically set forth in claim 1.

Claim 1 further includes "means for generating second time information in the form of a non-continuous timeline having a time discontinuity corresponding to the recording discontinuity for the recording signal in response to the first play-time information and the recording discontinuity". The Examiner has indicated that Frimout discloses this at "paragraph 0035: the position of the last recovery sector before the power failure can be derived from the pointer information stored in the NVRAM 12"

Applicants submit that the Examiner is mistaken. In particular, Frimout, at paragraph [0035], states:

"[0035] If it is detected in step S202 that the recording flag is still set, an interruption of the recording due to a power failure is assumed and the title set pointer 122 and the recovery sector pointer 123 are read from the NVRAM 12 by the recovery control section 13. Accordingly, the position of the last recovery sector before the power failure can be derived from the pointer information stored in the NVRAM 12. Then, the recovery control section 13 controls the disc drive unit 11 so as to reproduce the respective recovery sector indicated by the pointer information and loads the recovery sector into the volatile memory 14 (step S204). Based on the loaded recovery sector, the recovery control section 13 detects the recorded pointer  $P_i$  to the preceding recovery sector  $R(i-1)$  in step S205."

It should be apparent from the above that Frimout is using a title set pointer and a recovery sector pointer in the NVRAM to detect which sector was not recorded onto the optical disc, and to continue recording on the optical disc from that point. However, there is no disclosure of "generating second time information in the form of a non-continuous timeline having a time discontinuity corresponding to the recording discontinuity for the recording signal in response to the first play-time information and the recording discontinuity", particularly since there is no disclosure of the first play-time information.

Applicants therefore submit that the invention as claimed in claims 1 and 13 is neither anticipated nor rendered obvious by Frimout. Further, since claims 2-9 depend from claim 1 and claim 15 depends from claim 13, these dependent claims are also allowable over Frimout.

Claim 11 claims "The apparatus for recording as claimed in claim 1, wherein the source signal and the recording signal comprise Multimedia Home Platform (MHP) data" while claim 12 claims "The apparatus for recording as claimed in claim 1, wherein the source signal and the recording signal comprise Digital Video Broadcast (DVB) data."

The Swenson et al. patent discloses bookmark for multimedia content, in which an apparatus arranged to playback a multimedia file, stores the position at which the playing back of the

file was stopped thereby enabling a user to return to the stopped position when desired.

The Examiner indicates Frimout fails to explicitly teach these limitations, but that Swenson et al. discloses these limitations.

Applicants submit, however, that Swenson et al. does not supply that which is missing from Frimout as specifically noted above with respect to claim 1.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-13 and 15, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
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